

(BY AUTHORITY.)
Laws of New Jersey.

CONTINUED.

6. And be it enacted, That the said commissioners shall at the time and place before mentioned proceed in writing, signed by a majority of those present, to allot and divide between the said townships of Franklin and Belleville all moneys on hand or due in proportion to the taxable property and estates as taxed by the assessors at the last assessment, and to ascertain the just proportion of debts, if any there should be, to be paid by the inhabitants of the township of Franklin, and the said township of Franklin shall pay its proportion of the existing debt of the township of Belleville, if any there should be, at the time or times when payment, either in principal or interest, shall become due and payable.

7. And be it enacted, That it shall be the duty of said commissioners, and they shall have power to sell at public auction on sale after giving sixty days' notice in each of the most public places in each township aforesaid, the lands house and the property connected therewith to the highest bidder, after which sale they shall proceed in writing, signed by a majority of those present to allot and divide all moneys received by them from such sale between the said townships of Franklin and Belleville in proportion to the taxable property and estates as taxed by the assessors at the last annual assessment.

8. And be it enacted, That the said commissioners, or a majority of them present, may convey the lands house and property connected therewith after the aforesaid public sale has been made to the purchasers thereof, and that their deed of conveyance to the purchasers thereof shall be deemed good and valid in law.

9. And be it enacted, That the said commissioners shall, when they have completed the said allotment and division, and shall have ascertained the proportion of the said debts of the said township of Franklin, in writing as aforesaid, prepare forthwith a duplicate of the same, and deliver one of the said writings to the clerk of the said township of Belleville, and the other to the clerk of the township of Franklin for the same purpose.

10. And be it enacted, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners for the taking of acknowledgments or proofs of deeds, until they shall expire by their own limitations, so as to impair the rights of said townships.

11. And be it enacted, That the persons now aided or maintained in the said township of Belleville by virtue of any laws in regard to the poor, shall hereafter be chargeable under said laws to said townships of Belleville and Franklin, accordingly as such settlement or residence of such poor persons may have been within the limits of either township respectively, at the time when said persons became chargeable as aforesaid.

12. And be it enacted, That the said township of Franklin shall form a part of the third assembly district of the county of Essex as heretofore.

13. And be it enacted, That this act shall take effect immediately.

Approved February 19, 1874.

A further supplement to an act entitled "An act to revise and amend the Charter of the City of Newark," approved March eleventh anno domini, one thousand eight hundred and fifty-seven.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That such acts of the legislature of this state heretofore passed, with reference to the municipal corporation of the city of Newark, the government thereof, or generally affecting the said city as a corporation or the inhabitants thereof, shall be deemed and taken to be public laws, and need not be specially pleaded.

2. And be it enacted, That the ordinance and by-laws of said city of Newark as contained, or hereafter to be contained, in the printed books of such ordinances and by-laws issued or to be issued by the city of Newark, or contained or hereafter to be contained in the books of ordinances of the city of Newark, shall be deemed and taken to be public laws, and need not be specially pleaded.

3. And be it enacted, That this shall be a public act, and shall take effect immediately.

Approved February 19, 1874.

CHAPTER CXXXVII.

A supplement to an act entitled "An act to set off from the township of Belleville, in the county of Essex, a new township to be called the township of Franklin," approved February eighteenth, one thousand eight hundred and seventy-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all that portion of the township of Belleville, in the county of Essex, north of a line beginning at the Passaic river, in the division line between lands of William H. Conover and Joseph W. Hancock, and thence running in a southerly direction, in a direct line, to the southeasterly corner of lands belonging to Abram Van Winkle and the Bloomfield township line and thence along the dividing line of the townships of Belleville and Bloomfield until it intersects the dividing line of the township of Belleville and Franklin, shall be and hereby is set off from the township of Belleville, in the county of Essex, and annexed to and made part of the township of Franklin.

them from discharging the refuse of petroleum or rock oil, or the body of any dead animal in the river Passaic within the boundaries of the counties of Essex and Hudson.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the first section of the act to which this is a supplement, be amended by a repeal of the law, except that portion thereof which provides for punishment, and in place of the repealed portion inserting the following:

Approved March 21, 1874.

CHAPTER CXXXVIII.

An act to organize the government of the City of Belleville.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all that part of the county of Essex, in the township of Belleville, between the northern line of the city of Newark on the south, the Passaic river on the east, the township of Franklin on the north, and the township of Bloomfield on the west, shall be one municipal corporation to be known as the City of Belleville, from time to time, inhabitants within said boundaries, shall be and constitute said corporation; they shall have all the powers necessary for carrying out the objects and purposes of this act; and they may have a common seal, alterable at pleasure; and by the title of the mayor and council of the City of Belleville, may sue and be sued in any of the courts of this state.

2. And be it enacted, That the said city shall be divided into four wards, in the manner following, to wit: the first ward shall constitute all that portion of said township lying north of the city of Newark, commencing at a point directly south of the centre of Clinton street, and running northerly along the centre of Clinton street to the centre line of De Witt avenue; the second ward shall constitute all that portion lying north of the centre of Holmes street, and west of De Witt avenue to the centre of Holmes street; the third ward shall constitute all that portion lying north of the centre of Holmes street, and east of De Witt avenue, running northerly along said centre line to its intersection with the south line of Franklin township before described; the third ward shall constitute all that portion lying west of said centre line of De Witt avenue as extended and before described, south of the south line of Franklin township, and east of the eastern line of Bloomfield township, and north of a line running westerly from the centre of Holmes street to its intersection with the eastern line of Bloomfield township; the fourth ward shall constitute all that portion lying north of the north line of the city of Newark; east of the township of Bloomfield, south of the line before described, running westerly from the centre of Holmes street, and west of the centre line of the city of Newark to the township of Franklin, running northerly and southerly along the centre of De Witt avenue and Clinton street.

3. And be it enacted, That the city officers of the said city shall consist of a mayor, a recorder, two chosen freeholders, a city clerk, a treasurer, a collector of revenue, a city attorney, and three inspectors of elections, who shall be elected annually in each ward at the first election, the term of office shall be for one year, except councilmen, who shall be elected at the first election in April, eighteen hundred and seventy-four, one for one year, and one for two years; and that there shall be but one councilman elected in each ward at each election, and his term of office shall be for two years; and each ward subsequently created, as provided in this act, shall elect councilmen, and the officers for the said ward, the same as above provided for; except that at the first election, for councilmen in said new ward, there shall be elected two councilmen, one of whom shall be elected for one year and the other for two years, and one to be elected at large, who shall serve for two years; provided, also, that in electing in spectrum of elections not more than two in each ward shall be chosen from one political party; there shall be a school trustee elected annually, in each ward at the charter election, who shall hold his office for three years; provided, that if any person so elected as a ward officer shall not reside in the ward, or shall during his term of office remove out of the ward in which he was elected, his office shall thereby become vacant, and the said vacancy shall be filled as is otherwise provided for in cases of vacancy of said office; the councilmen of each ward shall perform such duties, except as by the laws of this state devolve on the town committees in the townships of this state.

4. And be it enacted, That the charter election shall be held on the second Tuesday in April in each year, at the place in each ward designated, and appointed for that purpose by the board of councilmen, between the hour and in the same manner, and under the same regulations as all things as prescribed by law for state elections for members of the legislature.

5. And be it enacted, That every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state for one year, and of the county in which he claims his vote, five months next before the election, and of the city thirty days before said election, shall be a resident of the ward in which he claims to vote since the first day of the month in which said election is held, shall

be entitled to vote for all officers elective under this act; and every person voting shall vote in the ward where he actually resides at the day of election, and in no other ward; and the person or persons receiving the greatest number of votes given in such ward for an office in that ward, shall be deemed elected to that office.

7. And be it enacted, That all future elections to be held within said city for members of the senate and general assembly of this state, for sheriff, county clerk, surrogate, and coroners of the county of Essex, and for members of congress and electors of president and vice-president of the United States, or for any other office of the general or state government, or officer of the said county of Essex, to be elected by the people, shall be held by the inspectors of election in the several wards of said city, at the places therein appointed for holding the city election, by said board of councilmen, on the day or days which now are or hereafter may be designated by law for holding such elections, and such elections shall be conducted by said inspectors in all things pursuant to the laws of this state applicable to such elections in this state, and the said inspectors of elections in said city of all elections hereafter to be held, shall be liable to the same obligations, duties and penalties imposed upon the like officers of elections in the townships of this state; and they shall be entitled to the same compensation for their services at all elections as the like township officers are entitled to receive, except as otherwise provided in this act or by ordinance; and in case of absence, disqualification, or inability of any of them the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases, and every person in said city entitled to vote at such elections, shall give his vote in the ward in which he actually resides at the time of such election, and not elsewhere; and any person voting illegally or offering illegally to vote at any such election, shall be subject to the same pains, penalties, and forfeitures incurred by persons so offending at such elections in the townships in this state.

8. And be it enacted, That in all elections for city and ward officers of said city, and inspectors of elections of each of the several wards in said city, in addition to the other duties required of them by law, shall make, and sign a statement of the number of votes cast for each person voted for any office, specifying the names of the persons so voted for, with the number of votes rejected, which statements shall, within forty-eight hours after the closing of the polls, be filed in the office of the city clerk, and shall, within five days thereafter, file a true copy of such election returns in the office of the clerk of the county of Essex.

9. And be it enacted, That in case any vacancy shall occur in any of the city or ward officers, by resignation, disqualification, or death of the incumbent of said office, or in any other manner whatsoever, (except the death of the recorder, or of the councilman, or in the board of education), the board of councilmen shall fill, by appointment, such office for the unexpired portion of the term; and in case of any such vacancy, happening as aforesaid, in the office of recorder or councilman, the said vacancy shall be filled by a special election, to be ordered by the board of councilmen, upon a day to be fixed by the board of councilmen, and notice of such special election as is required to be given of a general city election; provided, that in case of a vacancy as aforesaid, in the office of recorder, it shall be lawful for the board of councilmen, on the nomination of the mayor, to designate any justice of the peace of said city to act as recorder until such vacancy is filled, as heretofore provided; and such justice of the peace so designated by resolution of the board of councilmen, shall have and exercise all the powers and possess all the jurisdiction of the recorder, while acting as such, as well as cases pending in said court and not decided, as of all new matters in said court; and all his official acts as such recorder shall have the same force and virtue, and be as valid as if the same had been performed by the recorder himself, but any vacancy occurring in the board of education in any manner whatsoever, shall be filled by a majority vote of its own body, until the last Monday of April next ensuing; at the next charter election after the said vacancy occurs in said board of education, there shall be elected a school trustee for the remainder of said unexpired term, and his term of office shall commence on the expiration of the term of office of the person so appointed by said board of education.

10. And be it enacted, That the mayor shall be elected every two years; but no person shall be eligible to that office unless he shall have resided in said city at least three years, and shall have attained the age of thirty years; it shall be the duty of the mayor to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the board of councilmen such measures as he may deem necessary or expedient for the welfare of the city; he shall be the head of the city police force, and as such shall maintain peace and good order in said city, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested, without process or warrant, any person, or persons, all persons violating, or whom he has reason to believe have violated the laws of this state or the ordinances of the city, he shall possess the same powers and authority in criminal cases with which justices of the peace are now invested; all warrants on the treasurer, all contracts or agreements made under the direction, or on behalf of said city shall, before they become valid, be signed by the mayor, and approved by him; and in case of his absence from the city, or his inability to perform the duties of his office, the president of the board of councilmen shall, during the continuance of such absence or disability, be vested with the powers and exercise the duties of mayor; and in case of the death or resignation of the mayor, his powers and duties shall devolve upon the president of the board of councilmen until a successor is elected and qualified; and in case of the death, resignation or removal of the mayor, a special election shall be ordered by the board of councilmen for the election of a mayor; provided, three months or more of the term of office is unexpired; and provided, that the mayor thus elected shall only be so for the unexpired portion of said term; it shall be the duty of the mayor to nominate to the board of councilmen all policemen, and watchmen of said city, and he shall have power to suspend any policeman or watchman, and he shall report such suspension to the board of councilmen at its next meeting thereafter, with the reasons therefor, and such officer may then be restored or removed by said board.

11. And be it enacted, That the recorder shall be elected at the next charter election after the passage of this act, and every third year thereafter, and he shall hold his office for three years; he shall have all

powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

12. And be it enacted, That the recorder shall have jurisdiction, and is hereby empowered, on oath affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process either in the nature of a summons or of a warrant, as to him may seem proper, to appear in person or by counsel to answer to the charge, which process either in the nature of a summons or of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and then, on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear the testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and against the body of defendant or defendants; provided, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury, in courts for trial of small causes, and also an appeal as in cases where appeal may now be had from judgment in courts for the trial of small causes; and provided also, that in all cases an appeal may be made to the board of councilmen for the remission of any penalty that may be inflicted or adjudged; provided further, that no fine shall be imposed exceeding fifty dollars for such offence, and no term of imprisonment imposed as a penalty shall exceed sixty days for each offence; and also provided, that all cases and matters pending in the recorder's court at the expiration of his term, or resignation, or death, shall be able to serve, shall be continued before his successor, who shall have jurisdiction of the same as if such recorder were personally present; all books and records of said court shall be the property of the city, and a such shall be preserved and transferred by the recorder to his successor.

13. And be it enacted, That the officers empowered to serve process issued by the recorder shall be the justices of the peace, or elected or appointed within said city, the policemen of this city, and that same process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the court, for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing on the charge made, and so order, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the recorder, unto "the mayor and council of the city of city of Belleville," for his or their appearance of the day to which said hearing may be adjourned and in default of such appearance, the said recognition may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceedings in court for the trial of small causes.

14. And be it enacted, That in all cases in which persons shall bring certiorari to remove the order, proceedings, or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same.

15. And be it enacted, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the recorder of said city, unless the party applying for such certiorari shall enter into recognizance with the mayor and council of the city of Belleville, in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and cost, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceedings, or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be filed with the clerk of the supreme court for the benefit of the said mayor and council, and on failure thereof, no certiorari shall be allowed.

16. And be it enacted, That if any proceedings of the said recorder, shall, on removal by certiorari, be affirmed by the supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs.

17. And be it enacted, That the recorder shall receive, collect, and disburse under the direction of the board of councilmen, all money collected for said corporation, and shall pay out the same only upon the warrant of the board of councilmen, signed by the mayor and countersigned by the city clerk; and no warrants on the city treasurer shall be authorized, except in pursuance of an order of said board passed at a stated meeting, and entered in their minutes; and such warrants shall be made and numbered, payable to the order of the persons to receive the same, and shall specify for what purpose the amount there mentioned is directed to be paid.

18. And be it enacted, That the city clerk shall, in addition to the duties required of him in this act, or any other act of this state have charge of all records, books and documents of the city, except when the said board shall otherwise direct by ordinance; he shall keep a record of the proceedings of the board, he shall engrave all ordinances in a book to be provided for that purpose, with proper indices, which books shall be deemed a public record of such ordinance and each ordinance shall be signed in said book by the mayor, or setting mayor, and said clerk, copies of all papers duly filed in the office of the city clerk, and transcripts thereof, of the records and proceedings of the board of councilmen, and copies of the laws and ordinance of said city, certified by said clerk, under the corporate seal, shall be evidence in all courts and places, that all the books in which the said board of councilmen have caused their ordinances and by-laws to be recorded, and such other book or books, record or records as shall be by them provided, shall be taken and received as evidence in all courts and places of the due passage by said board of any and all ordinances to be continued.

19. And be it enacted, That the recorder shall be elected at the next charter election after the passage of this act, and every third year thereafter, and he shall hold his office for three years; he shall have all

powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

20. And be it enacted, That the recorder shall have jurisdiction, and is hereby empowered, on oath affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process either in the nature of a summons or of a warrant, as to him may seem proper, to appear in person or by counsel to answer to the charge, which process either in the nature of a summons or of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and then, on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear the testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and against the body of defendant or defendants; provided, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury, in courts for trial of small causes, and also an appeal as in cases where appeal may now be had from judgment in courts for the trial of small causes; and provided also, that in all cases an appeal may be made to the board of councilmen for the remission of any penalty that may be inflicted or adjudged; provided further, that no fine shall be imposed exceeding fifty dollars for such offence, and no term of imprisonment imposed as a penalty shall exceed sixty days for each offence; and also provided, that all cases and matters pending in the recorder's court at the expiration of his term, or resignation, or death, shall be able to serve, shall be continued before his successor, who shall have jurisdiction of the same as if such recorder were personally present; all books and records of said court shall be the property of the city, and a such shall be preserved and transferred by the recorder to his successor.

21. And be it enacted, That the officers empowered to serve process issued by the recorder shall be the justices of the peace, or elected or appointed within said city, the policemen of this city, and that same process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the court, for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing on the charge made, and so order, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the recorder, unto "the mayor and council of the city of city of Belleville," for his or their appearance of the day to which said hearing may be adjourned and in default of such appearance, the said recognition may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceedings in court for the trial of small causes.

22. And be it enacted, That in all cases in which persons shall bring certiorari to remove the order, proceedings, or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same.

23. And be it enacted, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the recorder of said city, unless the party applying for such certiorari shall enter into recognizance with the mayor and council of the city of Belleville, in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and cost, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceedings, or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be filed with the clerk of the supreme court for the benefit of the said mayor and council, and on failure thereof, no certiorari shall be allowed.

24. And be it enacted, That if any proceedings of the said recorder, shall, on removal by certiorari, be affirmed by the supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs.

25. And be it enacted, That the recorder shall receive, collect, and disburse under the direction of the board of councilmen, all money collected for said corporation, and shall pay out the same only upon the warrant of the board of councilmen, signed by the mayor and countersigned by the city clerk; and no warrants on the city treasurer shall be authorized, except in pursuance of an order of said board passed at a stated meeting, and entered in their minutes; and such warrants shall be made and numbered, payable to the order of the persons to receive the same, and shall specify for what purpose the amount there mentioned is directed to be paid.

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27. And be it enacted, That the recorder shall be elected at the next charter election after the passage of this act, and every third year thereafter, and he shall hold his office for three years; he shall have all

powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

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29. And be it enacted, That the officers empowered to serve process issued by the recorder shall be the justices of the peace, or elected or appointed within said city, the policemen of this city, and that same process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the court, for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing on the charge made, and so order, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the recorder, unto "the mayor and council of the city of city of Belleville," for his or their appearance of the day to which said hearing may be adjourned and in default of such appearance, the said recognition may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceedings in court for the trial of small causes.

30. And be it enacted, That in all cases in which persons shall bring certiorari to remove the order, proceedings, or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same.

31. And be it enacted, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the recorder of said city, unless the party applying for such certiorari shall enter into recognizance with the mayor and council of the city of Belleville, in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and cost, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceedings, or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be filed with the clerk of the supreme court for the benefit of the said mayor and council, and on failure thereof, no certiorari shall be allowed.

32. And be it enacted, That if any proceedings of the said recorder, shall, on removal by certiorari, be affirmed by the supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs.

33. And be it enacted, That the recorder shall receive, collect, and disburse under the direction of the board of councilmen, all money collected for said corporation, and shall pay out the same only upon the warrant of the board of councilmen, signed by the mayor and countersigned by the city clerk; and no warrants on the city treasurer shall be authorized, except in pursuance of an order of said board passed at a stated meeting, and entered in their minutes; and such warrants shall be made and numbered, payable to the order of the persons to receive the same, and shall specify for what purpose the amount there mentioned is directed to be paid.

34. And be it enacted, That the city clerk shall, in addition to the duties required of him in this act, or any other act of this state have charge of all records, books and documents of the city, except when the said board shall otherwise direct by ordinance; he shall keep a record of the proceedings of the board, he shall engrave all ordinances in a book to be provided for that purpose, with proper indices, which books shall be deemed a public record of such ordinance and each ordinance shall be signed in said book by the mayor, or setting mayor, and said clerk, copies of all papers duly filed in the office of the city clerk, and transcripts thereof, of the records and proceedings of the board of councilmen, and copies of the laws and ordinance of said city, certified by said clerk, under the corporate seal, shall be evidence in all courts and places, that all the books in which the said board of councilmen have caused their ordinances and by-laws to be recorded, and such other book or books, record or records as shall be by them provided, shall be taken and received as evidence in all courts and places of the due passage by said board of any and all ordinances to be continued.

35. And be it enacted, That the recorder shall be elected at the next charter election after the passage of this act, and every third year thereafter, and he shall hold his office for three years; he shall have all

powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

36. And be it enacted, That the recorder shall have jurisdiction, and is hereby empowered, on oath affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process either in the nature of a summons or of a warrant, as to him may seem proper, to appear in person or by counsel to answer to the charge, which process either in the nature of a summons or of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and then, on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear the testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and against the body of defendant or defendants; provided, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury, in courts for trial of small causes, and also an appeal as in cases where appeal may now be had from judgment in courts for the trial of small causes; and provided also, that in all cases an appeal may be made to the board of councilmen for the remission of any penalty that may be inflicted or adjudged; provided further, that no fine shall be imposed exceeding fifty dollars for such offence, and no term of imprisonment imposed as a penalty shall exceed sixty days for each offence; and also provided, that all cases and matters pending in the recorder's court at the expiration of his term, or resignation, or death, shall be able to serve, shall be continued before his successor, who shall have jurisdiction of the same as if such recorder were personally present; all books and records of said court shall be the property of the city, and a such shall be preserved and transferred by the recorder to his successor.

37. And be it enacted, That the officers empowered to serve process issued by the recorder shall be the justices of the peace, or elected or appointed within said city, the policemen of this city, and that same process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the court, for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing on the charge made, and so order, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the recorder, unto "the mayor and council of the city of city of Belleville," for his or their appearance of the day to which said hearing may be adjourned and in default of such appearance, the said recognition may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceedings in court for the trial of small causes.

38. And be it enacted, That in all cases in which persons shall bring certiorari to remove the order, proceedings, or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same.

39. And be it enacted, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the recorder of said city, unless the party applying for such certiorari shall enter into recognizance with the mayor and council of the city of Belleville, in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and cost, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceedings, or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be filed with the clerk of the supreme court for the benefit of the said mayor and council, and on failure thereof, no certiorari shall be allowed.

40. And be it enacted, That if any proceedings of the said recorder, shall, on removal by certiorari, be affirmed by the supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs.

41. And be it enacted, That the recorder shall receive, collect, and disburse under the direction of the board of councilmen, all money collected for said corporation, and shall pay out the same only upon the warrant of the board of councilmen, signed by the mayor and countersigned by the city clerk; and no warrants on the city treasurer shall be authorized, except in pursuance of an order of said board passed at a stated meeting, and entered in their minutes; and such warrants shall be made and numbered, payable to the order of the persons to receive the same, and shall specify for what purpose the amount there mentioned is directed to be paid.

42. And be it enacted, That the city clerk shall, in addition to the duties required of him in this act, or any